

REMARKS

The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Claims 1-34 are pending in this case. Claims 1-34 have been rejected under 35 U.S.C. § 102(e). Independent claims 1 and 13 have been amended.

With respect to the Examiner's 35 U.S.C. § 102(e) rejections, Applicant has reviewed the cited art and respectfully submits that the art fails to disclose or suggest the Applicant's claimed invention. Therefore, Applicant respectfully traverses and requests favorable reconsideration.

Response to 35 U.S.C. § 102(e) Rejections

The Examiner rejected claims 1-34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,122,665 ("Bar et al."). Applicant respectfully submits that the prior art fails to disclose or suggest at least a method of pseudo four-channel recording including the step of recording a first stream of packets at a first endpoint that comprises data samples generated by the first endpoint, a first timestamp corresponding the data samples and a second timestamp associates with data samples from a second endpoint played back by the first endpoint at that moment in time. Therefore, Applicant respectfully traverses the rejections and request favorable reconsideration.

Bar et al. teaches a system and a method for monitoring a computer network to detect data packets including audio or video data, such packets being part of a communication session, for storing these packets and for reconstructing the communication session upon request.

It is submitted that the system of Bar et al. is operative to receive and monitor the traffic on a network. The received packets are analyzed and the type of packet determined, e.g., H.225, H.245, RTP, RTCP, etc. Once the packet type is determined, the packet is passed to a management module which records the contents the of the packet. For RTP packets, the "time stamp field is used by the RTP software module to determine the relative time at which the data in each packet should be displayed." (col. 13, lines 14-16). During playback of the data, the "time stamp field is necessary for audio and video stream data, in order for the data packets to be reassembled such that the overall timing of the stream of data is maintained. Without such a time stamp, the proper timing would not be maintained, and the audio or video streams could not be accurately reconstructed." (col. 8, lines 60-65).

In contrast, the pseudo four channel recording scheme of the present invention is operative, at each endpoint on either side of a connection, to insert two timestamps into each packet of data

samples sent to the recorder: a local timestamp and the timestamp of the data samples packet received from the other endpoint. The data samples represent an audio signal generated by the endpoint. The local timestamp is associated with the audio signal generated by that endpoint itself. The second timestamp is associated with the audio generated by the other endpoint. Both of the these timestamps are inserted in the packet of data samples sent to the other endpoint and to the recording device. This feature is neither taught nor suggested by the Bar et al. reference.

It is further submitted that in the present invention, each endpoint is operative to generate a packet stream representing audio generated locally by that endpoint. Each endpoint also generates a timestamp that is inserted into the packet of audio data samples that is forwarded to the other endpoint. The packets sent to the IP recording device comprise the data samples generated by that endpoint, their associated timestamp and the timestamp associated with the data samples received from the other endpoint that were played at that time. Since the IP recording device receives packet streams from both endpoint, it only needs a pointer to the data samples indicating which samples were played by an endpoint. Thus, the timestamps from the other endpoint, that are inserted into the packet sent to the IP recording device, are synchronized in time with the data sample timestamps generated by the endpoint sending the packets. In this fashion, the IP recording scheme of the present invention effectively records four channels of voice data utilizing only two actual channels. This feature is neither anticipated, taught nor suggested by the Bar et al. reference.

Thus, the system of Bar et al. utilizes a single time stamp field 94 (Figure 4C) of a conventional RTP packet. Lacking the feature of the present invention of inserting two time stamps in each packet sent to the other endpoint, the system of Bar et al. cannot implement four channel recording utilizing only two channels as is achieved by the present invention. It is the insertion of two timestamps into each packet of data samples sent to the other endpoint and the recording device that permits the recording device of the present invention to effectively record four channels of audio using only two physical audio channels. The second timestamp corresponding to the timestamp of the data samples played by the opposite endpoint at the moment in time the local timestamp is generated enables the recording device to synchronize the data sample streams received from each endpoint and to effectively reconstruct a four channel audio stream. This feature is neither anticipated, taught nor suggested by the Bar et al.

Applicant has reviewed the cited art and respectfully submits that the art fails to disclose or suggest the Applicant's claimed invention, and fails to teach each and every element and limitation

of the claims rejected herein. Therefore Applicant respectfully traverses the rejections and requests favorable reconsideration.

It is believed that amended independent claims 1, 13 and 29 overcome the Examiner's § 102(c) rejection based on the bar et al. reference. In addition, it is believed that dependent claims 2-12, 14-28, 30-34 also overcome the Examiner's rejection based on § 102(e) grounds. The Examiner is respectfully requested to withdraw the rejection based on § 102(e).

Correction of Typographical Errors

Amendments haven been made to correct grammatical and usage errors in the specification. No new matter has been added to the application by these amendments.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that independent claims 1, 13, 29 and hence dependent claims 2-12, 14-28, 30-34 are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

In light of the Amendments and the arguments set forth above, Applicant earnestly believes that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent applications to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Customer Number: 25937

Respectfully submitted,

ZARETSKY & ASSOCIATES PC

By: 

Howard Zaretsky

Reg. No. 38,669

Attorney for Applicants

Zaretsky & Associates PC
8753 West Runion Dr
Peoria AZ 85382-6412
Tel.: 623-362-2585